

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
October 9, 2018 – 5:30 P.M.

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, Griffin Hanna and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the September 11, 2018, meeting. Commissioner Sharpe moved, seconded by Commissioner Newton, to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

1. Rezoning Application #23-10-18; A request by Lloyd Sumpter, for a zone change from Not Zoned to a Planned Zoning District (PZD) by Classification at 7402 Ellis Street.

Chairman Keesee introduced item 1. Ms. Brenda Andrews read the staff report indicating approval of the proposed zoning request would allow the existing building to be developed into commercial uses. Approval would also allow the applicant to proceed with obtaining a building permit to make exterior changes to the building, construct a deck and accessible ramp. Ms. Andrews further stated that the property was located at Chaffee Crossing, northwest of Ellis Street between Ward Avenue and Darby Avenue. Ms. Andrews indicated that a neighborhood meeting was held Wednesday, October 3, 2018, at 1:00 p.m. on site. No neighboring property owners attended the meeting.

Lloyd Sumpter was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the zoning request. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the zoning request, subject to the following staff comments:

- Applicant shall provide the Planning Department with a copy of the parking agreement with the FCRA that allows the applicant to utilize the FCRA's proposed parking lot.
- Variance approval by the Chaffee Crossing Design Review Committee prior to obtaining a sign permit for the proposed monument sign.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the zoning request with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the zoning request was approved.

2. Rezoning Application #24-10-18; A request by Nicole Swanson, agent, for ERC Create, LLC, for a zone change from Residential Single Family Medium/High Density (RS-3) to Residential Single Family High Density (RS-4) by Classification at 8001 Wells Lake Rd.

Chairman Keesee introduced item 2. Ms. Brenda Andrews read the staff report indicating approval of the proposed rezoning request would allow the future Lakeside Crossing; A 61 lot single-family subdivision, located between Wells Lake Road and Veterans Avenue to utilize 5' interior side-yard setbacks and 20' front-yard setbacks. The number of lots is not changing from the previously approved zoning or plat.

Connor Threet and Thomas Hennelly were present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the rezoning request. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the rezoning request.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the rezoning request. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the rezoning request was approved.

3. Conditional Use #9-10-18; A request by Effie Drosopoulos, owner, for an Auto Body Shop and Paint (New Parts) at 1305 South Jackson.

Chairman Keesee introduced item 3. Ms. Brenda Andrews read the staff report indication approval of the proposed conditional use would allow an existing auto repair business to also be utilized as an auto body and paint. Ms. Andrews stated that the property is on the north side of Jackson Street just east of Towson Avenue and is currently developed as an auto repair garage and single family residence.

Ms. Andrews indicated that the Planning staff received an anonymous complaint on August 27, 2018, regarding a potential salvage yard and storage of wrecked vehicles on site for extended periods of time. Ms. Andrews stated that the Planning staff investigated and discovered the applicant was storing wrecked cars and had installed an auto body and paint shop in addition to the existing business license issued in January 2018 to Hugo Ibarra for an auto repair business. On September 18, 2018, staff with the Planning, Building and Fire Department met on site with Mr. Ibarra to discuss the wrecked cars on site and the paint booth that was installed without a building permit. Ms. Andrews stated that staff with the Building and Fire Departments informed the applicant that the paint booth was improperly installed and must be removed. The applicant was also advised that a paint booth could not be operated until plans are submitted for approval and the paint booth is permitted and properly installed. Ms. Andrews further stated that the Planning staff visited the site again on September 27, and October 5, to evaluate progress on removing the number of wrecked vehicles and observed that no progress had been made on the removal or reducing the number of wrecked vehicles on site.

Ms. Andrews indicated that the Planning staff recommended that the request for a conditional use be tabled until the November 13, 2018, Planning Commission meeting to consider the

request and to evaluate the applicant's progress on removing the wrecked vehicles from the property.

Hugo Ibarra was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion to table the conditional use. Commissioner Taylor moved, seconded by Commissioner Cooper.

Commissioner Wilson asked Ms. Andrews if the staff comments would still be recommended at the next meeting, due to the request being tabled. Ms. Andrews stated that the staff comments would still be relevant at the November 13, 2018, meeting.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to table the request until November 13, 2018, Planning Commission meeting. The vote was 8 in favor and 1 opposed (Morris).

4. Rezoning Application #25-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica, for a zone change from a Planned Zoning District (PZD) to Residential Single Family Duplex Low/Medium Density (RSD-2) by Extension at 4411 Rogers Avenue.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report stating that the site was rezoned in 2015 to the Planned Zoning District (PZD) in preparation for a nursing home. Ms. Andrews indicated that the nursing home will not be constructed at this location, so the owner is requesting to return the zoning to Residential Single Family Duplex Low/Medium Density (RSD-2). Ms. Andrews stated that a neighborhood meeting was held September 27, 2018, at 5704 Euper Lane. No neighboring property owners attended the meeting.

Travis Brisendine was present to represent this application.

John Alford (4601 Free Ferry Road) spoke in opposition of this application. Mr. Alford stated concerns with the increased traffic. He stated that he would be opposed to any development on this site that would negatively impact South 46th Street.

Chairman Keesee called for a motion on the rezoning request. Commissioner Wilson moved, seconded by Commissioner Taylor, to approve the rezoning request.

During discussion, Commissioner Taylor noted that Mr. Brisendine stated that no development is planned for the site at this time.

Following the discussion by Planning Commission, Chairman Keesee called for a vote on the motion to approve the rezoning request. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the rezoning was approved.

- 5. Master Land Use Plan # 8-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica/Casey's General Store, for a Master Land Use Map Amendment from Public/Institutional to General Commercial by Extension at 4501 Rogers Avenue.**
- 6. Rezoning Application # 26-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica/Casey's General Store, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Extension at 4501 Rogers Avenue.**
- 7. Conditional Use #10-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica/Casey's General Store, for a convenience store with gasoline sales at 4501 Rogers Avenue.**

Chairman Keesee introduced items 5, 6 and 7. Ms. Brenda Andrews read the staff reports indicating approval of the master land use plan amendment, rezoning and conditional use would allow for the construction of a 4,685 square foot convenience store with gasoline sales. She stated that the subject property is on the northwest side of Rogers Avenue at the intersection with South 46th Street. Ms. Andrews indicated that the tract contains an area of 1.58 acres with approximately 300 feet of street frontage along Rogers Avenue and approximately 260 feet frontage along South 46th Street. Ms. Andrews further stated that a neighborhood meeting was held September 27, 2018, at 5:30 p.m. at 5704 Euper Lane. No neighborhood property owners attended the meeting.

Travis Brisendine was present to represent this application.

John Alford (4601 Free Ferry Road) spoke in opposition of these applications. Mr. Alford indicated he was representing property owners in Free Ferry Heights, Free Ferry Road and along South 46th Street. He stated that if the Planning Commission was inclined to approve of these applications, that they should consider the concerns from the surrounding property owners. Mr. Alford expressed concerns with the increased traffic, issues with the drainage ditch that runs along 46th Street, signage, no sidewalks along the narrow street, the potential of noise, lights, spillage or leaking gas tanks, and the sale of alcohol.

Rodney H. Ghan (4611 Rogers Avenue) spoke neither in favor or opposition of this application. Mr. Ghan stated he owns property on Rogers Avenue and has never had issues with the traffic. He also asked about the placement of the privacy fence. Ms. Andrews stated that the privacy fence would be on the west and north property lines abutting property residentially zoned.

Chairman Keesee called for a motion on the master land use plan. Commissioner Hanna moved, seconded by Commissioner Sharpe, to approve the master land use plan, subject to the following staff comments:

- Contingent upon the approval of the companion rezoning and conditional use request.

Commissioner Taylor asked Mr. Brisendine how long the traffic study was conducted. Mr. Brisendine stated that counts were completed for all directional traffic within each leg of the intersection, including turning maneuvers, during the hours of 7:00 a.m. and 8:30 a.m. and 4:30 p.m. to 5:30 p.m. on September 13, 2018.

Commissioner Wilson asked Mr. Brisendine about the safety of the underground tanks and the design. Mr. Brisendine stated that the double wall tanks were regulated by Environmental Protection Agency (EPA) and were designed to accommodate the run off from this particular site. Mr. Brisendine also stated that these double wall tanks have a safety factor that can detect leaks.

Commissioner Taylor asked Mr. Brisendine about the appearance of the relocated channel. Mr. Brisendine stated that they are still working with the Engineering Department on the final design, but they plan to have an earthen channel with a 4 to 1 grass slope.

Chairman Keesee asked Mr. Brisendine if the structure and canopies would be visible from Free Ferry Road. Mr. Brisendine said that you would not be able to see the structure and canopies from Free Ferry Road.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the master land use plan with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the master land use plan was approved.

6. Rezoning Application # 26-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica/Casey's General Store, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Extension at 4501 Rogers Avenue.

Chairman Keesee called for a motion on the rezoning request. Commissioner Wilson moved, seconded by Commissioner Newton, to approve the rezoning request, subject to the following staff comments:

- Contingent upon the approval of the companion master land use plan and conditional use request.

Commissioner Taylor asked Mr. Brisendine about a possible right-in and right-out sign on 46th Street. Mr. Brisendine stated that he did not think it would be beneficial or would change anything.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the rezoning request with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the rezoning was approved.

7. Conditional Use #10-10-18; A request by Morrison-Shipley Engineers, agent, for St. Scholastica/Casey's General Store, for a convenience store with gasoline sales at 4501 Rogers Avenue.

Chairman Keesee called for a motion on the conditional use. Commissioner Taylor moved suggesting an amendment to the staff comments to include that the driveway on South 46th Street shall have signage posted prohibiting delivery trucks from turning north on South 46th Street. Commissioner Sharpe seconded, to approve the conditional use, subject to the amended staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Approval of the rezoning is conditional upon the submitted development plan. Any new development on the property will require Planning Commission approval of a development plan or conditional use.
- The final development plan submitted with the building permit must show compliance with all applicable codes and ordinances.
- The driveway on South 46th Street shall have signage posted prohibiting delivery trucks from turning north on South 46th Street.
- All signage will require submittal of a sign permit application.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the conditional use was approved.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

8. Variance #27-10-18; A request by Jeromy and Chelsea Dutra, owner, for a variance from UDO Section 27-445-8 (Accessory Building or Use) located at 5600 Rye Hill Rd East.

Chairman Keesee introduced item 8. Ms. Brenda Andrews read the staff report indicating approval of the variance would allow Mr. Dutra to build a 3,600 s.f. detached garage with a height of 26'. The detached garage will be approximately 4' taller than the existing single-family residence. Ms. Andrews stated that Section 27-445-8 of the UDO states that Accessory Buildings shall be incidental and subordinate to the principal use. Ms. Andrews indicated that Mr. Dutra

visited with his adjacent neighbors and that one neighbor indicated they would prefer a detached garage over another residence at this location.

Jeromy Dutra was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the variance.

Commissioner Cooper asked Mr. Dutra if he had checked any of utilities to make sure that he wasn't building over any lines. Mr. Dutra stated that he was about 163ft away from the road frontage which contains the utility lines.

Commissioner Wilson asked Mr. Dutra if he had started construction yet and if he received a building permit. Ms. Andrews stated that since Mr. Dutra is in the ETJ zoning, he's not required to get a building permit. She further stated that Mr. Dutra would receive a construction approval letter from the Planning Department.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

9. Variance 28-10-18; A request by Lee King, agent, for Bear Creek Leasing Company, Inc. for the following variances: 1) from 25ft to 0ft front-yard setback; and 2)from 75% to 95% maximum lot coverage at 600-617 South 7th Street.

Chairman Keesee introduced item 9. Ms. Brenda Andrews read the staff report indicating approval of the following variances would allow for the construction of a 2,500 s.f. addition and a canopy approximately 105' in length to be installed with zero setbacks and allow lot coverage on the site to a maximum of 95%. Ms. Andrews indicated that one surrounding property owner contacted the Planning Department and stated he had no objections to the variance provided that no street closings were taking place.

Lee King was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the variance.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

10. Variance #29-10-18; A request by Kandace Evans, agent, for Kevin and Judy Vert, for the following variances: 1) from 30ft to 24ft front-yard setback; and 2) from 7.5ft to 3ft interior side-yard setback at 2822 Houston Street.

Chairman Keesee introduced item 10. Ms. Brenda Andrews read the staff report indicating approval of the following variances would allow for an attached two bay carport to be installed on the front of the house. Ms. Andrews stated that the subject property is on the South side of Houston Street between South 28th Street and South 29th Street. Ms. Andrews indicated that a neighborhood meeting was held on October 1, 2018, on site. No neighborhood property owners attended the meeting.

Kandace Evans and Charles Belvin were present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the variance.

Chairman Keesee asked what the cost of a residential wood style gable carport would be instead of a metal carport covering. Charles Belvin with Superior Siding indicated that the metal carport was a 4th of the cost for a residential wood style gable carport. Mr. Belvin stated that the carport would be white to match the trim of the house and stated it would blend in well with the house.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

11. UDO Amendment concerning the definition of a subdivision.

Chairman Keesee introduced item 11. Ms. Brenda Andrews read the staff report indicating approval of the proposed amendment to the UDO would provide consistency and remove a conflict between the text of the subdivision regulations and the definitions of a subdivision. The definition for a subdivision pertaining to property outside the city limits and within the planning area is different from the definition of a subdivision with the city limits. Ms. Andrews stated that with the deletion of the definition of subdivision outside the city limits, the definition shall mean the division of or the assimilation of one (1) parcels of land into two (2) or more parcels resulting in the need for access and utilities. "Subdivision" also includes the development of land resulting in the need for access to lots and parcels, the need to provide or extend utilities, the need to improve adjacent infrastructure due to insufficient existing capacity and the added demand resulting from proposed development.

Chairman Keesee called for a motion on the UDO Amendment concerning the definition of a subdivision. Commissioner Cooper moved, seconded by Commissioner Newton, to recommend the UDO amendment to the Board of Directors.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the UDO Amendment concerning the definition of a subdivision. The vote was 9 in favor and 0 opposed. Chairman Keesee announced this was approved.

There being no further items, the meeting adjourned at approximately 6:50 p.m.